



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE
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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

James J. Golden
Regional Director

January 21, 2020

Mr. Stephen Henry
Plant Manager
Hopewell Power Generation LLC
1114 Hercules Road
Hopewell, Virginia 23860

Location: City of Hopewell
Registration No.: 50976

Dear Mr. Henry:

Attached is an administrative amendment to your Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning January 21, 2020.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on December 23, 2019 and has determined that the application meets the requirements of 9VAC5-80-200(B) for an administrative amendment to a Title V permit.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

This permit approval to operate shall not relieve Hopewell Power Generation LLC of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact the regional office at 804-527-5020.

Sincerely,



Kyle Ivar Winter, P.E.
Deputy Regional Director

KIW/JH/50967-11 TV Admin Amend

Attachments: Permit
Cross State Air Pollution Rule Requirements

cc: Director, Office of Permits and Air Toxics (3AP10), U.S. EPA, Region III
OAPP
Air Compliance Inspector



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**Federal Operating Permit
Article 1**

This permit renewal is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300, and 9 VAC 5-140-10 through 9 VAC 5-140-900 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Hopewell Power Generation LLC
Facility Name: Hopewell Power Generation Facility
Facility Location: 1114 Hercules Road
Hopewell, Virginia 23860
Registration Number: 50967
Permit Number: PRO50967

This permit includes the following programs: Federally Enforceable Requirements - Clean Air Act and Cross State Air Pollution Rule

<u>September 14, 2016</u>	<u>January 21, 2020</u>	<u>September 13, 2021</u>
Effective Date	Amendment Date	Expiration Date

	<u>January 21, 2020</u>
Kyle Ivar Winter, P.E., Deputy Regional Director	Signature Date

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Facility Information

Permittee

Hopewell Power Generation LLC
1114 Hercules Road
Hopewell, Va. 23860

Responsible Official

Mr. Stephen Henry
Plant Manager

Facility

Hopewell Cogeneration Facility
1114 Hercules Road
Hopewell, Va. 23860

Contact Person

David Taylor
Plant Technical Specialist
(804) 458-0700 ext. 203

County-Plant Identification Number: 51-670-0058

Facility Description: NAICS 221112 - Fossil Fuel Electric Power Generation. The Hopewell Cogeneration Facility is a 356.5 MW combined cycle turbine powered facility that produces electric power and steam to be utilized by nearby facilities. The facility operates three combustion turbines firing natural gas and no. 2 fuel oil, two auxiliary boilers firing natural gas and no. 2 fuel oil, two emergency generators firing no. 2 fuel oil and one diesel fire pump engine.

Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
CT1	CT1-001	Combustion Turbine Type 11 N ABB Model ABBHM300555	1143.6 MMBtu/hr- nat. gas input; 1091.1 MMBtu/hr- No. 2 fuel oil input	I-99 Steam Injection	CT1	NOx	January 6, 2020
CT2	CT2-002	Combustion Turbine Type 11 N ABB Model ABBHM300556	1143.6 MMBtu/hr- nat. gas input; 1091.1 MMBtu/hr- No. 2 fuel oil input	I-99 Steam Injection	CT1	NOx	January 6, 2020
CT3	CT3-003	Combustion Turbine Type 11 N ABB Model ABBHM300564	1143.6 MMBtu/hr- nat. gas input; 1091.1 MMBtu/hr- No. 2 fuel oil input	I-99 Steam Injection	CT1	NOx	January 6, 2020
AB1	AB1-004	Auxiliary Boiler Babcock & Wilcox	229.0 MMBtu/hr- nat. gas input; 220.0 MMBtu/hr- No. 2 fuel oil input	I-99 Low NOx burner and I-99 Flue Gas Recirculation	AB1	NOx	January 6, 2020
AB2	AB2-005	Auxiliary Boiler Babcock & Wilcox	229.0 MMBtu/hr- nat. gas input; 220.0 MMBtu/hr- No. 2 fuel oil input	I-99 Low NOx burner and I-99 Flue Gas Recirculation	AB1	NOx	January 6, 2020
G1	G1-06	Emergency Generator Caterpillar	5.1 MMBtu/hr – No. 2 fuel oil input (1,500 kW)	-	-	-	January 6, 2020
G2	G1-06	Emergency Generator Caterpillar	5.1 MMBtu/hr – No. 2 fuel oil input (1,500 kW)	-	-	-	January 6, 2020
I14	STFP1	Diesel Fire Pump Engine Cummins Model NT855-F4	320 hp	-	-	-	-

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

Fuel Burning Equipment Requirements – (Emission Unit ID# CT1, CT2, CT3, AB1, and AB2)

1. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - Nitrogen oxide emissions from the combustion turbines (Reference Nos. CT1, CT2, and CT3) shall be controlled by the use of steam injection. The steam injection system shall be provided with adequate access for inspection and shall be in operation when the combustion turbines are operating.
(9 VAC 5-80-110 and Condition 3 of 1/6/20 PSD Permit)
2. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Limitations** - Nitrogen oxide emissions from the auxiliary boilers (Reference Nos. AB1 and AB2) shall be controlled through boiler design employing multi-stage low NO_x burners.
(9 VAC 5-80-110 and Condition 4 of 1/6/20 PSD Permit)
3. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Limitations** - The approved fuels for the combustion turbines (Reference Nos. CT1, CT2, and CT3) and auxiliary boilers (Reference Nos. AB1 and AB2) are distillate oil and natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 13 of 1/6/20 PSD Permit)
4. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Limitations** - Sulfur dioxide (SO₂) emissions from the combustion turbines (Reference Nos. CT1, CT2, and CT3) and auxiliary boilers (Reference Nos. AB1 and AB2) shall be controlled by limiting the sulfur content of the distillate oil to 0.2 percent by weight.
(9 VAC 5-80-110 and Condition 5 of 1/6/20 PSD Permit)
5. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - Each combustion turbine (Reference Nos. CT1, CT2, and CT3) shall consume no more than 61.19×10^6 gallons of distillate oil or 8.99×10^9 cubic feet of natural gas per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 14 of 1/6/20 PSD Permit)
6. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Limitations** - Each auxiliary boiler (Reference Nos. AB1 and AB2) shall consume no more than 13.77×10^6 gallons of distillate oil or 2.01×10^9 cubic feet of natural gas per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the

most recently completed calendar month to the individual monthly totals for the preceding 11 months.

(9 VAC 5-80-110 and Condition 15 of 1/6/20 PSD Permit)

7. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - Emissions from the operation of each combustion turbine (Reference Nos. CT1, CT2, and CT3) shall not exceed the limits specified below:

For Natural Gas Firing:

Particulate Matter (PM)	4.0×10^{-3} lbs/MMBtu	4.57 lbs/hr	18.0 tons/yr
Sulfur Dioxide	5.4×10^{-4} lbs/MMBtu	0.62 lbs/hr	2.4 tons/yr
Nitrogen Oxides	42 ppmdv @ 15% O ₂		675.6 tons/yr
Carbon Monoxide		25.8 lbs/hr	110.4 tons/yr
Volatile Organic Compounds		0.72 lbs/hr	3.1 tons/yr

For Distillate Oil Firing:

Particulate Matter (PM)	0.039 lbs/MMBtu	28.0 lbs/hr	122.6 tons/yr
Sulfur Dioxide	0.21 lbs/MMBtu	225.0 lbs/hr	896.8 tons/yr
Nitrogen Oxides	65 ppmdv @ 15% O ₂		1036.9 tons/yr
Carbon Monoxide		26.0 lbs/hr	112.0 tons/yr
Volatile Organic Compounds		7.0 lbs/hr	29.1 tons/yr
Lead		0.0057 lbs/hr	0.0235 tons/yr

(9 VAC 5-80-110, 40 CFR 60, Subpart GG, and Condition 21 of 1/6/20 PSD Permit)

8. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Limitations** - Emissions from the operation of each auxiliary boiler (Reference Nos. AB1 and AB2) shall not exceed the limits specified below:

For Natural Gas Firing:

Particulate Matter (PM)	0.1 lbs/MMBtu	22.9 lbs/hr	100.3 tons/yr
Sulfur Dioxide	6.0×10^{-4} lbs/MMBtu	0.14 lbs/hr	0.6 tons/yr
Nitrogen Oxides	0.1 lbs/MMBtu	22.9 lbs/hr	100.3 tons/yr
Carbon Monoxide		19.9 lbs/hr	87.3 tons/yr
Volatile Organic Compounds		1.15 lbs/hr	5.0 tons/yr

For Distillate Oil Firing:

Particulate Matter (PM)	0.1 lbs/MMBtu	22.0 lbs/hr	96.4 tons/yr
Sulfur Dioxide	0.2 lbs/MMBtu	44.0 lbs/hr	192.7 tons/yr
Nitrogen Oxides	0.1 lbs/MMBtu	22.0 lbs/hr	96.4 tons/yr
Carbon Monoxide		19.1 lbs/hr	83.8 tons/yr
Volatile Organic Compounds		1.1 lbs/hr	4.8 tons/yr

Lead 0.0012 lbs/hr 0.0053 tons/yr
(9 VAC 5-80-110, 40 CFR 60, Subpart Db, and Condition 22 of 1/6/20 PSD Permit)

9. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Limitations** - Non-criteria pollutant emissions from the combustion turbines (Reference Nos. CT1, CT2, and CT3) and auxiliary boilers (Reference Nos. AB1 and AB2) shall be controlled by not exceeding the fuel usage limitations specified in Conditions 5 and 6 of this permit.
(9 VAC 5-80-110 and Condition 6 of 1/6/20 PSD Permit)
10. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Limitations** - Except where this permit is more restrictive than the applicable requirement, the combustion turbines (Reference Nos. CT1, CT2, and CT3) and auxiliary boilers (Reference Nos. AB1 and AB2) shall be operated in compliance with the requirements of 40 CFR 60, Subpart GG *Standards of Performance for Stationary Gas Turbines* and 40 CFR 60, Subpart Db *Standards of Performance for Industrial – Commercial – Institutional Steam Generating Units*.
(40 CFR 60, Subparts GG and Db, 9 VAC 5-80-110 and Condition 20 of 1/6/20 PSD Permit)

11. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Limitations** - The permittee shall meet the nitrogen oxide standards as specified in 40 CFR 60.44b at all times including periods of startup, shutdown, and malfunction.
(9 VAC 5-80-110 and 40 CFR 60, Subpart Db 60.44b(h))
12. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Limitations** - Except as provided by 40 CFR 60.44b(j), the permittee shall show compliance with the emission limits of 40 CFR 60.44b based on a 30-day rolling average.
(9 VAC 5-80-110 and 40 CFR 60, Subpart Db 60.44b(i))
13. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - The permittee shall not cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$\text{STD} = 0.0075 * [(14.4) / Y] + F$$

where:

STD = allowable NO_x emission concentration (percent by volume at 15 percent oxygen and on a dry basis);

Y = manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour; and

F = NO_x emission allowance for fuel-bound nitrogen as defined in paragraph (a)(4) of 40 CFR 60 Subpart GG 60.332.

(9 VAC 5-80-110 and 40 CFR 60, Subpart GG 60.332(a)(1))

14. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - The permittee shall not cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.
(9 VAC 5-80-110 and 40 CFR 60, Subpart GG 60.333(a))
15. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - For combustion turbines supplied distillate oil from a bulk storage tank, the permittee shall determine the values of sulfur content and nitrogen content of the fuel oil after each addition of fuel oil to the bulk storage tank from any other source.
(9 VAC 5-80-110 and 40 CFR 60, Subpart GG 60.334(i)(1))
16. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - The permittee shall determine compliance with the nitrogen oxides standards in 40 CFR 60.332 as follows:

For each run of the performance test, the mean nitrogen oxides emission concentration shall be computed using the following equation:

$$\text{NO}_x = (\text{NO}_{x0}) * (\text{P}_r / \text{P}_o)^{0.5} * (e^{[19 * (\text{H}_o - 0.00633)]}) * (288 / \text{T}_a)^{1.53}$$

where:

NO_x =	emission concentration of NO_x at 15 percent oxygen and ISO standard ambient conditions, ppm by volume, dry basis;
NO_{x0} =	mean observed NO_x concentration, ppm by volume, dry basis, at 15 percent oxygen;
P_r =	reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg;
P_o =	observed combustor inlet absolute pressure at test, mm Hg;
H_o =	observed humidity of ambient air, g H_2O / g air;
e =	transcendental constant, 2.718; and
T_a =	ambient temperature, K.

(9 VAC 5-80-110, Condition 24 of 1/6/20 PSD Permit, and 40 CFR 60, Subpart GG 60.335(b)(1))

17. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - The permittee shall determine compliance with the sulfur content standard as specified in 40 CFR 60.333(b) as follows: ASTM D129-00, D2622-98, D4294-02, D1266-98, D5453-00, or D1552-01 shall be used to determine the sulfur content of liquid fuels and ASTM D1072-80, 90; D3246-81, 92, 96; D4468-85; or D6667-01 shall be used for the sulfur content of gaseous fuels (incorporated by reference, see 40 CFR 60.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some gaseous fuels. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the approval of EPA Region III. (9 VAC 5-80-110 and 40 CFR 60, Subpart GG 60.335(b)(10))
18. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - To meet the requirements of 40 CFR 60.332(a), the permittee shall use the analytical methods and procedures as specified in 40 CFR 60.335(b)(9) to measure nitrogen content if an emission allowance is claimed for fuel bound nitrogen and shall determine compliance with sulfur content standard as described in 40 CFR 60.335(b)(10) for the fuel being burned. The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency. (9 VAC 5-80-110 and 40 CFR 60, Subpart GG 60.335(b))
19. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Limitations** - Visible emissions from the combustion turbines shall not exceed 20 percent opacity, except during one six-minute period in any one hour in which visible emissions

shall not exceed 30 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60 Appendix A).

(9 VAC 5-80-110 and 9 VAC 5-50-290)

20. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Limitations** - No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20 percent opacity, except for one six-minute period in any one hour of not more than 27 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60 Appendix A). (9 VAC 5-80-110 and 40 CFR 60, Subpart Db 60.43b(f))
21. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Monitoring** - Continuous Emission Monitoring Systems, meeting the design specifications of 40 CFR 60, Appendix B, shall be installed to measure and record the emissions of nitrogen oxides (NO_x) from the combustion turbines (Reference Nos. CT1, CT2, and CT3) as parts per million by volume, dry basis, corrected to fifteen percent oxygen. The CEMS shall be installed, calibrated, maintained, audited and operated in accordance with the requirements of 40 CFR 60.13, 40 CFR 60 Subpart GG, and 40 CFR 60 Appendices B and F. Data shall be reduced to hourly averages as specified in 40 CFR 60.13(h). The SPAN VALUE for the NO_x monitor shall be determined in accordance with 40 CFR Part 75. (40 CFR 60, Subpart GG 60.334(b), 9 VAC 5-80-110, and Condition 7 of 1/6/20 PSD Permit)
22. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Monitoring** – The permittee shall perform a visible emission observation (VEO) in accordance with 40 CFR 60, Appendix A, Method 22 on each exhaust stack of the combustion turbines at least one time per week that the combustion turbines are operated. If visible emissions are observed, the permittee shall take timely corrective actions such that the systems resume operation with no visible emissions, or perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the systems do not exceed 20 percent opacity. The VEE shall be conducted for a minimum of six minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the systems resume operation with visible emissions of 20 percent or less. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary actions. (9 VAC 5-80-110)
23. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Monitoring** - Continuous Emission Monitoring Systems, meeting the design specifications of 40 CFR 60, Appendix B, shall be installed to measure and record the emissions of nitrogen oxides (NO_x) from the auxiliary boilers (Reference Nos. AB1 and AB2) as pounds per million BTU heat input. The CEMS shall be installed, calibrated, maintained, audited and operated in accordance with the requirements of 40 CFR 60.13, 40 CFR 60

Subpart Db, and 40 CFR 60 Appendices B and F. Data shall be reduced to hourly averages as specified in 40 CFR 60.13(h). The SPAN VALUE for the NO_x monitor shall be determined in accordance with 40 CFR Part 60, Subpart Db.

(40 CFR 60, Subpart Db 60.48b(b)(1), 9 VAC 5-80-110 and Condition 8 of 1/6/20 PSD Permit)

24. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Monitoring** -Continuous Opacity Monitoring Systems, meeting the design specifications of 40 CFR 60, Appendix B, shall be installed to measure and record the opacity of emissions from the auxiliary boilers (Reference Nos. AB1 and AB2). The COMS shall be installed, calibrated, maintained and operated in accordance with the requirements of 40 CFR 60.13, 40 CFR 60 Subpart Db and 40 CFR 60 Appendix B. Data shall be reduced to six minute averages.
(40 CFR 60, Subpart Db 60.48b(a), 9 VAC 5-80-110 and Condition 9 of 1/6/20 PSD Permit)
25. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Monitoring** - A continuous opacity monitoring system may be used to satisfy the visible emission evaluation requirement in lieu of 40 CFR, Part 60, Appendix A, Method 9. The reported test data shall include averages of all six minute continuous periods within the test period and within the duration of any mass emission performance tests being conducted. It is the responsibility of the permittee to demonstrate that the monitoring system has met the requirements of the applicable performance evaluation, that the monitoring system has been properly maintained and operated, and that the resulting data has not been altered in any way. If monitoring system data indicates compliance for a period during which Method 9 data indicates non-compliance, the Method 9 data shall be used to determine compliance with the visible emission limit.
(9 VAC 5-80-110 and Condition 10 of 1/6/20 PSD Permit)
26. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Monitoring** - Performance evaluations of the continuous monitoring systems shall be conducted in accordance with 40 CFR Part 60, Appendix B and 40 CFR 75.20, and shall take place during the performance tests under 9 VAC 5-50-30 or within 30 days thereafter. Two copies of the performance evaluations report shall be submitted to the Piedmont Region within 45 days of the evaluation. The continuous monitoring systems shall be installed and operational prior to conducting initial performance tests. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation and calibration of the device. A 30 day notification, prior to the demonstration of continuous monitoring system's performance, and subsequent notifications shall be submitted to the Piedmont Region.
(40 CFR 60, Subpart GG 60.335, 40 CFR 60, Subpart Db 60.46b, 9 VAC 5-80-110, and Condition 11 of 1/6/20 PSD Permit)
27. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Monitoring** - A CEMS/COMS quality control program which meets the

requirements of 40 CFR 60.13 and Appendix B or F shall be implemented for all continuous monitoring systems.

(40 CFR 60, Subpart GG 60.334(b), 40 CFR 60, Subpart Db 60.48b, 9 VAC 5-80-110, and Condition 12 of 1/6/20 PSD Permit)

28. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2 and CT3) – Monitoring** - The permittee shall monitor the sulfur and nitrogen content of the fuel being fired in the combustion turbines (Reference Nos. CT1, CT2, and CT3) in accordance with 40 CFR 60.334(h).
(40 CFR 60, Subpart GG 60.334(h), 9 VAC 5-80-110 and Condition 19 of 1/6/20 PSD Permit)
29. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Recordkeeping** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Piedmont Region. These records shall include, but are not limited to:
- a. Continuous emissions monitoring system calibrations and calibration checks, percent operating time, and excess emissions.
 - b. Annual consumption of distillate oil and natural gas for each combustion turbine (Reference Nos. CT1, CT2, and CT3), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
 - c. Annual consumption of distillate oil and natural gas for each auxiliary boiler (Reference Nos. AB1 and AB2), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
 - d. The operating status of the combustion turbines (Reference Nos. CT1, CT2, and CT3) and auxiliary boilers (Reference Nos. AB1 and AB2) at the beginning and ending of each period that an emergency generator (Reference Nos. G1 and G2) is used. The amount of distillate oil used by the emergency generator during the event shall be included in the record.
 - e. Records of the results for the combustion turbines (Reference Nos. CT1, CT2, and CT3) opacity observations for visible emissions.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110 and Condition 25 of 1/6/20 PSD Permit)

30. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Recordkeeping** - The permittee shall record and maintain records of the amounts of each fuel combusted in the auxiliary boilers (Reference Nos. AB1 and AB2) during each day and calculate the annual capacity factor individually for distillate oil and natural gas for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.
(9 VAC 5-80-110, and 40 CFR 60, Subpart Db 60.49b(d))
31. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Recordkeeping** - The permittee shall maintain records of opacity for the auxiliary boilers (Reference Nos. AB1 and AB2) subject to the opacity standard as specified in 40 CFR 60.43b.
(9 VAC 5-80-110 and 40 CFR 60, Subpart Db 60.49b(f))
32. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Recordkeeping** - The permittee shall maintain all records required under 40 CFR 60, Subpart 60.49b for a period of 2 years following the date of such record.
(9 VAC 5-80-110 and 40 CFR 60, Subpart 60.49b(o))
33. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Recordkeeping** - The permittee shall obtain and maintain at the affected facility fuel receipts from the fuel supplier which certify that the oil meets the definition of distillate oil as defined in 40 CFR 60.41b. For the purposes of 40 CFR 60.49, the oil need not meet the fuel nitrogen content specification in the definition of distillate oil. The permittee shall submit reports to the Director, Piedmont Region certifying that only very low sulfur oil meeting this definition was combusted in the affected facility during the reporting period.
(9 VAC 5-80-110 and 40 CFR 60, Subpart Db 60.49b(r))
34. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Testing** - The combustion turbines (Reference Nos. CT1, CT2, and CT3) and auxiliary boilers (Reference Nos. AB1 and AB2) shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. This includes constructing the facility/equipment such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing a stack or duct that is free from cyclonic flow. Sampling ports shall be provided when requested and safe sampling platforms and access shall be provided.
(9 VAC 5-80-110 and Condition 2 of 1/6/20 PSD Permit)
35. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Reporting** - The permittee shall furnish written notification to the Piedmont Region of:

- a. The anticipated date of continuous monitoring system performance evaluations postmarked not less than 30 days prior to such date.
- b. The intention to use continuous opacity monitoring system data results to demonstrate compliance with the applicable visible emission limit during a performance test in lieu of Reference Method 9 (reference 40 CFR Part 60, Appendix A), postmarked not less than 30 days prior to the date of the performance test.
- c. The anticipated date of performance tests of the combustion turbines (Reference Nos. CT1, CT2, and CT3) or auxiliary boilers (Reference Nos. AB1 and AB2) postmarked at least 30 days prior to such date.

Copies of the written notification referenced in items a. through c. above are to be sent to:

Associate Director
Office of Air Enforcement (3AP10)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 and Condition 27 of 1/6/20 PSD Permit)

36. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Reporting** - For the auxiliary boilers subject to the nitrogen oxide standards of 40 CFR 60.44b, the permittee shall maintain records of and report the following information for each steam generating unit operating day to the Director, Piedmont Region on a semi-annual basis, postmarked no later than the 30th day following the end of the semi-annual reporting period:

- a. Calendar date.
- b. The average hourly nitrogen oxides emission rates (expressed as NO₂) (ng/J or lb/million Btu heat input) measured or predicted.
- c. The 30-day average nitrogen oxides emission rates (ng/J or lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days.
- d. Identification of the steam generating unit operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards under 40 CFR 60.44b, with the reasons for such excess emissions as well as a description of corrective actions taken.

- e. Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.
 - f. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.
 - g. Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.
 - h. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.
 - i. Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3.
 - j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under appendix F, Procedure 1.
- (9 VAC 5-80-110 and 40 CFR 60, Subpart Db 60.49b(g), (i), and (w))

37. **Fuel Burning Equipment Requirements – (emission unit id# AB1 and AB2) – Reporting** - For the auxiliary boilers subject to the sulfur dioxide standards under §60.42b, to the compliance and performance testing requirements of 40 CFR 60.45b, and to the reporting requirement of 40 CFR 60.49b(j), the permittee shall submit the following reports to the Director, Piedmont Region on a semi-annual basis, postmarked no later than the 30th day following the end of the semi-annual reporting period:

- a. Calendar dates covered in the reporting period
- b. Each 30-day average sulfur dioxide emission rate (ng/J or lb/million Btu heat input) measured during the reporting period, ending with the last 30-day period; reasons for non-compliance with the emission standards; and a description of corrective actions taken.
- c. Each 30-day average percent reduction in sulfur dioxide emissions calculated during the reporting period, ending with the last 30-day period; reasons for non-compliance with the emission standards; and a description of corrective actions taken.
- d. Identification of the steam generating unit operating days that coal or oil was combusted and for which sulfur dioxide or diluent (oxygen or carbon dioxide data have not been obtained by an approved method for at least 75 percent of the operating hours in the steam generating unit operating day; justification for not obtaining sufficient data; and description of corrective action taken.

- e. Identification of the times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and description of corrective action taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.
 - f. Identification of “F” factor used for calculations, method of determination, and type of fuel combusted.
 - g. Identification of times when hourly averages have been obtained based on manual sampling methods.
 - h. Identification of the times when the pollutant concentration exceeded full span of the CEMS.
 - i. Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with 40 CFR 60 Appendix B, Performance Specifications 2 or 3.
 - j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60 Appendix F, Procedure 1.
 - k. The annual capacity factor of each fired as specified in 40 CFR 60.49b(d). (9 VAC 5-80-110 and 40 CFR 60, Subpart Db 60.49b(j), (k), and (w))
38. **Fuel Burning Equipment Requirements – (emission unit id# CT1, CT2, CT3, AB1 and AB2) – Reporting** - The permittee shall furnish written reports to the Piedmont Region of excess emissions from any process monitored by a continuous monitoring system (COMS/CEMS) on a quarterly basis, postmarked no later than the 30th day following the end of the calendar quarter. These reports shall include, but are not limited to the following information:
- a. The magnitude of excess emissions for sulfur dioxide, nitrogen dioxide, ice fog, and emergency fuel as required in 40 CFR 60.334(j), any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

(40 CFR 60, Subpart GG 60.334(j), 40 CFR 60, Subpart Db 60.49b(h), Condition 26 of 1/6/20 PSD Permit, and 9 VAC 5-80-110)

Fuel Burning Equipment Requirements – (Emission Unit ID # G1, G2, and I14)

39. Fuel Burning Equipment Requirements - (emission unit ID# G1 and G2) - Limitations

- The emergency generators (Reference Nos. G1 and G2) shall not be operated (for the purpose of generating electricity) when any of the three combustion turbines (Reference Nos. CT1, CT2, and CT3) is on line. The generator(s) shall be used only to start-up one single turbine after which the generator(s) shall be taken off-line. The emergency generators shall consume no more than 55,800 gallons of distillate oil combined per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

(9 VAC 5-80-110 and Condition 16 of 1/6/20 PSD Permit)

40. Fuel Burning Equipment Requirements - (emission unit ID# G1 and G2) - Limitations

- Emissions from the operation of both emergency generators combined (Reference Nos. G1 and G2) shall not exceed the limits specified below:

For Distillate Oil Firing:

Sulfur Dioxide	2.8 lbs/hr	0.8 tons/yr
Nitrogen Oxides	45.1 lbs/hr	12.5 tons/yr
Carbon Monoxide	12.0 lbs/hr	3.3 tons/yr

(9 VAC 5-80-110 and Condition 23 of 1/6/20 PSD Permit)

41. Fuel Burning Equipment Requirements - (emission unit ID# G1, G2, and I14) –

Limitations – Visible emissions from the emission units (Reference Nos. G1, G2, and I14) shall not exceed 20 percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60 Appendix A).

(9 VAC 5-80-110, 9 VAC 5-50-290, and 9 VAC 5-50-80)

42. Fuel Burning Equipment Requirements - (emission unit ID# G1, G2, and I14) –

Federal Requirements – The emission units (Reference Nos. G1, G2, and I14) are subject to MACT ZZZZ –National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The requirements are as follows:

Citation	Requirement
40CFR63.6603(a), Tables 2d(4)	Emission limitations, operating limitations, and other requirements.
40CFR63.6604(b)	Fuel requirements as applicable
40CFR63.6625(e),(f),(h) and (i)	Monitoring and maintenance requirements
40CFR63.6605 and 63.6640	Continuous compliance requirements
40CFR63.6650(h) and Footnote 2 of Table 2d	Reporting requirements
40CFR63.6655 and 63.6660	Recordkeeping requirements

(9 VAC 5-80-110 and 40 CFR 63, Subpart ZZZZ)

43. **Fuel Burning Equipment Requirements – (emission unit id# G1, G2, and I14) – Monitoring** – The permittee shall perform a VEO in accordance with 40 CFR 60, Appendix A, Method 22 on each exhaust stack of the emission units (Reference Nos. G1, G2, and I14) at least once each operating month to determine which emissions units have normal visible emissions (does not include condensed water vapor/steam), unless a 40 CFR 60 Appendix A Method 9 visible emissions evaluation is performed on the emissions unit to assure visible emissions from the systems do not exceed 20 percent opacity. Each emissions unit observed having above-normal visible emissions shall be followed up with a 40 CFR 60 Appendix A Method 9 visible emissions evaluation for a minimum of six minutes, unless timely corrective actions are taken such that the systems resume operation with visible emissions of 20 percent or less. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary actions.

(9 VAC 5-80-110, 9 VAC 5-50-290 and 9 VAC 5-50-80)

44. **Fuel Burning Equipment Requirements - (emission unit ID# G1, G2, and I14) – Recordkeeping** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Piedmont Region. These records shall include, but are not limited to:

- a. Annual consumption of distillate oil for both emergency generators combined (Reference Nos. G1 and G2), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated

monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

- b. Records of the results for the opacity observations for visible emissions. (Reference Nos. G1, G2, and I14)
(9 VAC 5-80-110 and Condition 25.d of 1/6/20 PSD Permit)

Facility Wide Conditions

- 45. **Facility Wide Conditions – Limitations** - The distillate oil shall meet the specifications below:

DISTILLATE OIL which meets the ASTM D396 specification for numbers 1 or 2 fuel oil:
Maximum sulfur content per shipment: 0.2 %
(9 VAC 5-80-110 and Condition 17 of 1/6/20 PSD Permit)

- 46. **Facility Wide Conditions – Limitations** - The facility shall operate in compliance with 9 VAC 5-60 Article 4- *Toxic Pollutants from Existing Sources* and 9 VAC 5-60 Article 5- *Toxic Pollutants from New and Modified Sources*. No changes in the facility that alter emissions of any non-criteria pollutant or cause the emission of additional toxic pollutants shall be made without the prior written approval of the Board.
(9 VAC 5-80-110 and Condition 35 of 1/6/20 PSD Permit)

- 47. **Facility Wide Conditions – Limitations** - At all times, including periods of start-up, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the combustion turbines (Reference Nos. CT1, CT2, and CT3) and auxiliary boilers (Reference Nos. AB1 and AB2):

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
- b. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
- c. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
(9 VAC 5-80-110 and Condition 32 of 1/6/20 PSD Permit)

48. **Facility Wide Conditions – Recordkeeping** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
- a. The name of the fuel supplier;
 - b. The date on which the distillate oil was received;
 - c. The quantity of distillate oil delivered in the shipment;
 - d. A statement that the distillate oil complies with the American Society for Testing and Materials specifications (ASTM D396) for numbers 1 or 2 fuel oil; and
 - e. The sulfur content of the distillate oil;
Fuel sampling and analysis, independent of that used for certification, as may be periodically required or conducted by DEQ may be used to determine compliance with the fuel specifications stipulated in Condition 45. Exceedance of these specifications may be considered credible evidence of the exceedance of emission limits.

(40 CFR 60, Subpart Db 60.49b, 9 VAC 5-80-110 and Condition 18 of 1/6/20 PSD Permit)

49. **Facility Wide Conditions - Recordkeeping** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Regional Office. These records shall include, but are not limited to:
- a. All fuel supplier certifications.
 - b. Scheduled and unscheduled maintenance, and operator training.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(40 CFR 60, Subpart Db 60.49b, 9 VAC 5-80-110 and Conditions 25.e and f of 1/6/20 PSD Permit)

50. **Facility Wide Conditions – Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
51. **Facility Wide Conditions – Testing** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

52. **Facility Wide Conditions – Reporting** - If, for any reason, the permittee does not comply or will not be able to comply with the emission limitations or other conditions specified in this permit, the permittee shall provide in writing to the Director, Piedmont Region the following information as soon as possible but no later than five (5) days after such conditions become known to the permittee:
- a. Description of non-compliance;
 - b. Cause of non-compliance;
 - c. Anticipated time the non-compliance is expected to continue or, if corrected, the actual duration of non-compliance;
 - d. Steps taken by the permittee to minimize or eliminate the non-compliance; and
 - e. Steps taken by the permittee to prevent recurrence of the non-compliance.
- (9 VAC 5-80-110 and Condition 28 of 1/6/20 PSD Permit)

Insignificant Emission Units

53. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
I1	Fuel Oil Tank No. 1	5-80-720 B.2.	VOC	1,250,000 gallons
I2	Fuel Oil Tank No. 2	5-80-720 B.2.	VOC	1,250,000 gallons
I3	Fuel Oil Tank No. 3	5-80-720 B.2.	VOC	1,250,000 gallons
I4	Diesel Generator Fuel Oil Tank	5-80-720 B.2.	VOC	15,000 gallons
I5	Diesel Tank for Fire Pump	5-80-720 B.2.	VOC	200 gallons
I6	Propane Bottles	5-80-720 B.2.	N/A	Six 100 lb. bottles
I7	Natural Gas Piping	5-80-720 B.2.	VOC	N/A
I8	Fuel Oil Piping Fugitives	5-80-720 B.2.	VOC	N/A
I9	Paved Roads	5-80-720 B.1.	PM	N/A
I10	Oil/Water Separator	5-80-720 B.2.	VOC	< 500 gallons
I11	Used Oil Tank	5-80-720 C.3.	VOC	< 264 gallons
I12	Fuel Loading/ Unloading Areas	5-80-720 B.2.	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

Permit Shield & Inapplicable Requirements

54. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
9 VAC 5-40-900 (Rule 4-8)	Particulate Matter Standard for Fuel Burning Equipment	This standard does not apply to stationary internal combustion engines, which include the combustion turbines and emergency generators. The auxiliary boilers are subject to NSPS Subpart Db, which has more stringent PM emissions limits.
9 VAC 5-40-930 (Rule 4-8)	Sulfur Dioxide Standard for Fuel Burning Equipment	This standard does not apply to stationary internal combustion engines, which include the combustion turbines and emergency generators. The auxiliary boilers are subject to NSPS Subpart Db, which has more stringent SO ₂ emissions limits.
40 CFR 60, Subpart Kb	Volatile Organic Liquid Storage Vessels Standards	This Subpart does not apply to the distillate oil storage tanks because the fuel has a maximum true vapor pressure of less than 3.5 kPa.
40 CFR 60, Subpart IIII	Stationary Compression Ignition Internal Combustion Engines Standards	This Subpart does not apply to the emergency generators because they were constructed before July 11, 2005.
40 CFR 60, Subpart KKKK	Standards of Performance for Stationary Combustion Turbines	This Subpart does not apply to the combustion turbines since the construction of these units commenced before February 18, 2005.
40 CFR 63, Subpart YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines	This Subpart does not apply to the combustion turbines since they are considered existing units and are exempt pursuant to 40 CFR 63.6090(b)(4).
40 CFR 63, Subpart JJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, Institutional Boilers Area Sources	This Subpart does not apply to the boilers because they are gas-fired boilers (40 CFR 63.11195(e)) as defined by the Subpart.

Citation	Title of Citation	Description of Applicability
9 VAC 5-40-5220 (Rule 4-37)	VOC Standards for Petroleum Liquid Storage and Transfer Operations	This standard does not apply to the fuel oil storage tanks because it is not applicable to units storing petroleum liquids with a vapor pressure less than 1.5 pounds per square inch.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

General Conditions

55. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)
56. **General Conditions - Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
57. **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
58. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
59. **General Conditions - Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC

5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

60. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
61. **General Conditions - Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)
62. **General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of such analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.
- (9 VAC 5-80-110 F)
63. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

64. **General Conditions -Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedance of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
- (9 VAC 5-80-110 F)
65. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
 - b. The identification of each term or condition of the permit that is the basis of the certification;
 - c. The compliance status;

- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9 VAC 5-80-110 K.5)

66. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Director, Piedmont Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 64 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

67. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Regional Office.
(9 VAC 5-20-180 C)

68. **General Conditions - Failure/Malfunction Reporting** - The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the 14 day written notification.
(9 VAC 5-20-180 C, 9 VAC 5-40-50, and 9 VAC 5-50-50)
69. **General Conditions - Failure/Malfunction Reporting** - The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C are listed below:
- a. Combustion Turbines (Ref. Nos. CT1, CT2, and CT3)
 - b. Auxiliary Boilers (Ref. Nos. AB1 and AB2)
 - c. Emergency Generators (Ref. Nos. G1 and G2)
- (9 VAC 5-20-180 C, 9 VAC 5-40-50, and 9 VAC 5-50-50)
70. **General Conditions - Failure/Malfunction Reporting** - Each owner required to install a continuous monitoring system (CMS) or monitoring device subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable subpart in 9 VAC 5-50-410) and either a monitoring systems performance report or a summary report form, or both, to the board semiannually. All semi-annual reports shall be postmarked by the 30th day following the end of each calendar semi-annual period (June 30th and January 30th). All reports shall include the following information:
- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

All malfunctions of emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C require written reports within 14 days of the discovery of the malfunction.
(9 VAC 5-20-180 C, 9 VAC 5-40-50 and 9 VAC 5-50-50)

71. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)
72. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)
73. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)
74. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)
75. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)
76. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
77. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

78. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9 VAC 5-80-2310 through 9 VAC 5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index.

(9 VAC 5-80-110 H, 9 VAC 5-80-340 C and 9 VAC 5-80-2340 B)

79. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
- c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
- d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
- e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

80. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for

minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

81. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

82. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

83. **General Conditions - Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

- b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

- 84. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)
- 85. **General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
- 86. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
- 87. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
- 88. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)
- 89. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly

submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

90. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)
91. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)
92. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)
93. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)
94. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
 - a. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

Attachment A: Cross State Air Pollution Rule Requirements

Cross State Air Pollution Rule (CSAPR) Requirements

1. **Cross State Air Pollution Rule (CSAPR)** – The permittee shall comply with all applicable CSAPR requirements (40 CFR Part 97, Subparts AAAAA – CCCCC) by the compliance date specified in 40 CFR 97, Subparts AAAAA – CCCCC, as amended. (40 CFR Part 97, Subparts AAAAA - CCCCC and 9 VAC 5-80-110)
2. **CSAPR** – The Transport Rule (TR) subject units, and the unit-specific monitoring provisions, at this source are identified in the following table. These units are subject to the requirements for the TR NO_x Annual Trading Program (40 CFR Part 97, Subpart AAAAA), TR NO_x Ozone Season Trading Program (40 CFR Part 97, Subpart BBBBB), and TR SO₂ Group 1 Trading Program (40 CFR Part 97, Subpart CCCCC).

Unit ID: CT1, CT2 and CT3 (Non-peaking gas and oil fired combustion turbines)					
Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR Part 75, subpart B (for SO ₂ monitoring) and 40 CFR Part 75, subpart H (for NO _x monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR Part 75, appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR Part 75, appendix E	Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19	EPA-approved alternative monitoring system requirements pursuant to 40 CFR Part 75, Subpart E
SO ₂	X		-----		
NO _x	X	-----			
Heat input	X		-----		

(40 CFR Part 97, Subpart AAAAA – CCCCC and 9 VAC 5-80-110)

3. **CSAPR** –The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435 (TR NO_x Annual Trading Program), 97.530 through 97.535 (TR NO_x Ozone Season Trading Program), and 97.630 through 97.635 (TR SO₂ Group 1 Trading Program). The monitoring,

recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable TR trading programs.
(40 CFR Part 97, Subpart AAAAA – CCCCC and 9 VAC 5-80-110)

4. **CSAPR** – Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA’s website at:
<http://www.epa.gov/airmarkets/emissions/monitoringplans.html>.
(40 CFR Part 97, Subpart AAAAA – CCCCC and 9 VAC 5-80-110)
5. **CSAPR** – Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E and 40 CFR 75.66 and 97.435 (TR NO_x Annual Trading Program), 97.535 (TR NO_x Ozone Season Trading Program), and/or 97.635 (TR SO₂ Group 1 Trading Program). The Administrator’s response approving or disapproving any petition for an alternative monitoring system is available on the EPA’s website at: <http://www.epa.gov/airmarkets/emissions/petitions.html>.
(40 CFR Part 97, Subpart AAAAA – CCCCC and 9 VAC 5-80-110)
6. **CSAPR** – Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 (TR NO_x Annual Trading Program), 97.530 through 97.534 (TR NO_x Ozone Season Trading Program), and/or 97.630 through 97.634 (TR SO₂ Group 1 Trading Program) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 (TR NO_x Annual Trading Program), 97.535 (TR NO_x Ozone Season Trading Program), and/or 97.635 (TR SO₂ Group 1 Trading Program). The Administrator’s response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on the EPA’s website at <http://www.epa.gov/airmarkets/emissions/petitions.html>.
(40 CFR Part 97, Subpart AAAAA – CCCCC and 9 VAC 5-80-110)
7. **CSAPR** – The descriptions of monitoring applicable to the unit included above meet the requirement of 40 CFR 97.430 through 97.434 (TR NO_x Annual Trading Program), 97.530 through 97.534 (TR NO_x Ozone Season Trading Program), and 97.630 through 97.634 (TR SO₂ Group 1 Trading Program), and therefore minor permit modification procedures, in accordance with 40 CFR 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B), may be used to add or change this unit’s monitoring system description.
(40 CFR Part 97, Subpart AAAAA – CCCCC and 9 VAC 5-80-110)
8. **CSAPR** – TR NO_x Annual Trading Program requirements (40 CFR 97.406)

- a. Designated representative requirements - The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.
- b. Emissions monitoring, reporting, and recordkeeping requirements.
 - (1) The owners and operators, and the designated representative, of each TR NO_x Annual source and each TR NO_x Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433 (notifications concerning monitoring), 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
 - (2) The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of TR NO_x Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the TR NO_x Annual emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- c. NO_x emissions requirements.
 - (1) TR NO_x Annual emissions limitation.
 - (a) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO_x Annual source and each TR NO_x Annual unit at the source shall hold, in the source's compliance account, TR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NO_x emissions for such control period from all TR NO_x Annual units at the source.
 - (b) If total NO_x emissions during a control period in a given year from the TR NO_x Annual units at a TR NO_x Annual source are in excess of the TR NO_x Annual emissions limitation set forth in paragraph (c)(1)(a) above, then:

- (i) The owners and operators of the source and each TR NO_x Annual unit at the source shall hold the TR NO_x Annual allowances required for deduction under 40 CFR 97.424(d); and
 - (ii) The owners and operators of the source and each TR NO_x Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
- (2) TR NO_x Annual assurance provisions.
 - (a) If total NO_x emissions during a control period in a given year from all TR NO_x Annual units at TR NO_x Annual sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying— (A) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and (B) The amount by which total NO_x emissions from all TR NO_x Annual units at TR NO_x Annual sources in the state for such control period exceed the state assurance level.
 - (b) The owners and operators shall hold the TR NO_x Annual allowances required under paragraph (c)(2)(a) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
 - (c) Total NO_x emissions from all TR NO_x Annual units at TR NO_x Annual sources in the State during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control

period, of the state NO_x Annual trading budget under 40 CFR 97.410(a) and the state's variability limit under 40 CFR 97.410(b).

- (d) It shall not be a violation of 40 CFR part 97, subpart AAAAA or of the Clean Air Act if total NO_x emissions from all TR NO_x Annual units at TR NO_x Annual sources in the during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the TR NO_x Annual units at TR NO_x Annual sources in the state during a control period exceeds the common designated representative's assurance level.
- (e) To the extent the owners and operators fail to hold TR NO_x Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(a)(i) through (iii) above,
 - (i) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (ii) Each TR NO_x Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(a) through (c) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
- (3) Compliance periods.
 - (a) A TR NO_x Annual unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
 - (b) A TR NO_x Annual unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
- (4) Vintage of allowances held for compliance.
 - (a) A TR NO_x Annual allowance held for compliance with the requirements under paragraph (c)(1)(a) above for a control period in a given year must be a TR NO_x Annual allowance that was allocated for such control period or a control period in a prior year.

- (b) A TR NO_x Annual allowance held for compliance with the requirements under paragraphs (c)(1)(b)(i) and (2)(a) through (c) above for a control period in a given year must be a TR NO_x Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
 - (5) Allowance Management System requirements. Each TR NO_x Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart AAAAA.
 - (6) Limited authorization. A TR NO_x Annual allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (a) Such authorization shall only be used in accordance with the TR NO_x Annual Trading Program; and
 - (b) Notwithstanding any other provision of 40 CFR part 97, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
 - (7) Property right. A TR NO_x Annual allowance does not constitute a property right.
- d. Title V permit revision requirements.
- (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO_x Annual allowances in accordance with 40 CFR part 97, subpart AAAAA.
 - (2) This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.406(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- e. Additional recordkeeping and reporting requirements.

- (1) Unless otherwise provided, the owners and operators of each TR NO_x Annual source and each TR NO_x Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (a) The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each TR NO_x Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.
 - (b) All emissions monitoring information, in accordance with 40 CFR part 97, subpart AAAAA.
 - (c) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NO_x Annual Trading Program.
 - (2) The designated representative of a TR NO_x Annual source and each TR NO_x Annual unit at the source shall make all submissions required under the TR NO_x Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.
- f. Liability.
- (1) Any provision of the TR NO_x Annual Trading Program that applies to a TR NO_x Annual source or the designated representative of a TR NO_x Annual source shall also apply to the owners and operators of such source and of the TR NO_x Annual units at the source.
 - (2) Any provision of the TR NO_x Annual Trading Program that applies to a TR NO_x Annual unit or the designated representative of a TR NO_x Annual unit shall also apply to the owners and operators of such unit.
- g. Effect on other authorities. No provision of the TR NO_x Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NO_x Annual source or TR NO_x Annual unit from compliance with any other provision of the applicable,

approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

(40 CFR Part 97, Subpart AAAAA and 9 VAC 5-80-110)

9. **CSAPR –TR NO_x Ozone Season Trading Program Requirements** (40 CFR 97.506)

- a. Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.513 through 97.518.
- b. Emissions monitoring, reporting, and recordkeeping requirements.
 - (1) The owners and operators, and the designated representative, of each TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.530 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.531 (initial monitoring system certification and recertification procedures), 97.532 (monitoring system out-of-control periods), 97.533 (notifications concerning monitoring), 97.534 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.535 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
 - (2) The emissions data determined in accordance with 40 CFR 97.530 through 97.535 shall be used to calculate allocations of TR NO_x Ozone Season allowances under 40 CFR 97.511(a)(2) and (b) and 97.512 and to determine compliance with the TR NO_x Ozone Season emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.530 through 97.535 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- c. NO_x emissions requirements.
 - (1) TR NO_x Ozone Season emissions limitation.
 - (a) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, TR NO_x Ozone Season allowances available for deduction for such control period under 40 CFR 97.524(a) in an amount not

less than the tons of total NO_x emissions for such control period from all TR NO_x Ozone Season units at the source.

- (b) If total NO_x emissions during a control period in a given year from the TR NO_x Ozone Season units at a TR NO_x Ozone Season source are in excess of the TR NO_x Ozone Season emissions limitation set forth in paragraph (c)(1)(a) above, then:

- (i) The owners and operators of the source and each TR NO_x Ozone Season unit at the source shall hold the TR NO_x Ozone Season allowances required for deduction under 40 CFR 97.524(d); and
- (ii) The owners and operators of the source and each TR NO_x Ozone Season unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart BBBBBB and the Clean Air Act.

(2) TR NO_x Ozone Season assurance provisions.

- (a) If total NO_x emissions during a control period in a given year from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NO_x Ozone Season allowances available for deduction for such control period under 40 CFR 97.525(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.525(b), of multiplying—
- (i) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and

- (ii) The amount by which total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state for such control period exceed the state assurance level.
 - (b) The owners and operators shall hold the TR NO_x Ozone Season allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
 - (c) Total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control period, of the State NO_x Ozone Season trading budget under 40 CFR 97.510(a) and the state's variability limit under 40 CFR 97.510(b).
 - (d) It shall not be a violation of 40 CFR part 97, subpart BBBBBB or of the Clean Air Act if total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state during a control period exceeds the common designated representative's assurance level.
 - (e) To the extent the owners and operators fail to hold TR NO_x Ozone Season allowances for a control period in a given year in accordance with paragraphs (c)(2)(a) through (c) above,
 - (i) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (ii) Each TR NO_x Ozone Season allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(a) through (c) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart BBBBBB and the Clean Air Act.
- (3) Compliance periods.
- (a) A TR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of May 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.530(b) and for each control period thereafter.

- (b) A TR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.530(b) and for each control period thereafter.
 - (4) Vintage of allowances held for compliance.
 - (a) A TR NO_x Ozone Season allowance held for compliance with the requirements under paragraph (c)(1)(a) above for a control period in a given year must be a TR NO_x Ozone Season allowance that was allocated for such control period or a control period in a prior year.
 - (b) A TR NO_x Ozone Season allowance held for compliance with the requirements under paragraphs (c)(1)(b)(i) and (2)(a) through (c) above for a control period in a given year must be a TR NO_x Ozone Season allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
 - (5) Allowance Management System requirements. Each TR NO_x Ozone Season allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart BBBBB.
 - (6) Limited authorization. A TR NO_x Ozone Season allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (a) Such authorization shall only be used in accordance with the TR NO_x Ozone Season Trading Program; and
 - (b) Notwithstanding any other provision of 40 CFR part 97, subpart BBBBB, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
 - (7) Property right. A TR NO_x Ozone Season allowance does not constitute a property right.
- d. Title V permit revision requirements.
- (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO_x Ozone Season allowances in accordance with 40 CFR part 97, subpart BBBBB.

- (2) This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.530 through 97.535, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.506(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

e. Additional recordkeeping and reporting requirements.

- (1) Unless otherwise provided, the owners and operators of each TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (a) The certificate of representation under 40 CFR 97.516 for the designated representative for the source and each TR NO_x Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.516 changing the designated representative.
 - (b) All emissions monitoring information, in accordance with 40 CFR part 97, subpart BBBBB.
 - (c) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NO_x Ozone Season Trading Program.
- (2) The designated representative of a TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall make all submissions required under the TR NO_x Ozone Season Trading Program, except as provided in 40 CFR 97.518. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

f. Liability.

- (1) Any provision of the TR NO_x Ozone Season Trading Program that applies to a TR NO_x Ozone Season source or the designated representative of a TR NO_x Ozone Season source shall also apply to the owners and operators of such source and of the TR NO_x Ozone Season units at the source.
- (2) Any provision of the TR NO_x Ozone Season Trading Program that applies to a TR NO_x Ozone Season unit or the designated representative of a TR NO_x Ozone Season unit shall also apply to the owners and operators of such unit.
- g. Effect on other authorities. No provision of the TR NO_x Ozone Season Trading Program or exemption under 40 CFR 97.505 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NO_x Ozone Season source or TR NO_x Ozone Season unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.
(40 CFR Part 97, Subpart BBBB and 9 VAC 5-80-110)

10. **CSAPR** - TR SO₂ Group 1 Trading Program requirements (40 CFR 97.606) –

- a. Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.613 through 97.618.
- b. Emissions monitoring, reporting, and recordkeeping requirements.
 - (1) The owners and operators, and the designated representative, of each TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.630 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.631 (initial monitoring system certification and recertification procedures), 97.632 (monitoring system out-of-control periods), 97.633 (notifications concerning monitoring), 97.634 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.635 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
 - (2) The emissions data determined in accordance with 40 CFR 97.630 through 97.635 shall be used to calculate allocations of TR SO₂ Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the TR SO₂ Group 1 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the

monitoring location determined in accordance with 40 CFR 97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

c. SO₂ emissions requirements.

(1) TR SO₂ Group 1 emissions limitation.

- (a) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall hold, in the source's compliance account, TR SO₂ Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) in an amount not less than the tons of total SO₂ emissions for such control period from all TR SO₂ Group 1 units at the source.
- (b) If total SO₂ emissions during a control period in a given year from the TR SO₂ Group 1 units at a TR SO₂ Group 1 source are in excess of the TR SO₂ Group 1 emissions limitation set forth in paragraph (c)(1)(a) above, then:
 - (i) The owners and operators of the source and each TR SO₂ Group 1 unit at the source shall hold the TR SO₂ Group 1 allowances required for deduction under 40 CFR 97.624(d); and
 - (ii) The owners and operators of the source and each TR SO₂ Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation 40 CFR part 97, subpart CCCCC and the Clean Air Act.

(2) TR SO₂ Group 1 assurance provisions.

- (a) If total SO₂ emissions during a control period in a given year from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO₂ emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR SO₂ Group 1 allowances available for deduction for such control period under 40 CFR 97.625(a) in an amount equal to two times the product (rounded to the

nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.625(b), of multiplying—

- (i) The quotient of the amount by which the common designated representative's share of such SO₂ emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such SO₂ emissions exceeds the respective common designated representative's assurance level; and
 - (ii) The amount by which total SO₂ emissions from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state for such control period exceed the state assurance level.
- (b) The owners and operators shall hold the TR SO₂ Group 1 allowances required under paragraph (c)(2)(a) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (c) Total SO₂ emissions from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state during a control period in a given year exceed the state assurance level if such total SO₂ emissions exceed the sum, for such control period, of the state SO₂ Group 1 trading budget under 40 CFR 97.610(a) and the state's variability limit under 40 CFR 97.610(b).
- (d) It shall not be a violation of 40 CFR part 97, subpart CCCCC or of the Clean Air Act if total SO₂ emissions from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total SO₂ emissions from the TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state during a control period exceeds the common designated representative's assurance level.
- (e) To the extent the owners and operators fail to hold TR SO₂ Group 1 allowances for a control period in a given year in accordance with paragraphs (c)(2)(a) through (c) above,
 - (i) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - (ii) Each TR SO₂ Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(a)

through (c) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart CCCCC and the Clean Air Act.

- (3) Compliance periods.
 - (a) A TR SO₂ Group 1 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
 - (b) A TR SO₂ Group 1 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
- (4) Vintage of allowances held for compliance.
 - (a) A TR SO₂ Group 1 allowance held for compliance with the requirements under paragraph (c)(1)(a) above for a control period in a given year must be a TR SO₂ Group 1 allowance that was allocated for such control period or a control period in a prior year.
 - (b) A TR SO₂ Group 1 allowance held for compliance with the requirements under paragraphs (c)(1)(b)(i) and (2)(a) through (c) above for a control period in a given year must be a TR SO₂ Group 1 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each TR SO₂ Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart CCCCC.
- (6) Limited authorization. A TR SO₂ Group 1 allowance is a limited authorization to emit one ton of SO₂ during the control period in one year. Such authorization is limited in its use and duration as follows:
 - (a) Such authorization shall only be used in accordance with the TR SO₂ Group 1 Trading Program; and
 - (b) Notwithstanding any other provision of 40 CFR part 97, subpart CCCCC, the Administrator has the authority to terminate or limit the use and duration

of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

- (7) Property right. A TR SO₂ Group 1 allowance does not constitute a property right.
- d. Title V permit revision requirements.
 - (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR SO₂ Group 1 allowances in accordance with 40 CFR part 97, subpart CCCCC.
 - (2) This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.630 through 97.635, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR part 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.606(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- e. Additional recordkeeping and reporting requirements.
 - (1) Unless otherwise provided, the owners and operators of each TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - (a) The certificate of representation under 40 CFR 97.616 for the designated representative for the source and each TR SO₂ Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.616 changing the designated representative.
 - (b) All emissions monitoring information, in accordance with 40 CFR part 97, subpart CCCCC.

- (c) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR SO₂ Group 1 Trading Program.
 - (2) The designated representative of a TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall make all submissions required under the TR SO₂ Group 1 Trading Program, except as provided in 40 CFR 97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.
 - f. Liability.
 - (1) Any provision of the TR SO₂ Group 1 Trading Program that applies to a TR SO₂ Group 1 source or the designated representative of a TR SO₂ Group 1 source shall also apply to the owners and operators of such source and of the TR SO₂ Group 1 units at the source.
 - (2) Any provision of the TR SO₂ Group 1 Trading Program that applies to a TR SO₂ Group 1 unit or the designated representative of a TR SO₂ Group 1 unit shall also apply to the owners and operators of such unit.
 - g. Effect on other authorities. No provision of the TR SO₂ Group 1 Trading Program or exemption under 40 CFR 97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR SO₂ Group 1 source or TR SO₂ Group 1 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.
- (40 CFR Part 97, Subpart CCCCC and 9 VAC 5-80-110)